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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/321,387	05/27/99	HENDERSON K	RIC-97-123

LM11/1004

TECHNOLOGY DEPARTMENT
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EXAMINER	
BARNIE,R	
ART UNIT	**PAPER NUMBER**
2743	2

DATE MAILED: 10/04/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary	Application No. 09/321,387	Applicant(s) HENDERSON ET AL.
	Examiner *REXFORD BARNIE	Group Art Unit 2743

☒ Responsive to communication(s) filed on *May 27, 1999* .

☐ This action is **FINAL.**

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire *3* month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) *1-27* is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) *1-27* is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐approved ☐disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____ .

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____ .

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless --
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

2. Claims 1-27 are rejected under 35 U.S.C. 102(b,e) as being anticipated by Hanson et al. (US Pat# 5,740,229 or 5,864,606).

Regarding claims 1 and 9, Hanson teaches a prepaid system comprising of a data storage apparatus (60, 70 of '606 or 16 of '229) and voice/message processing system (40s, 50s of '606 or 18 of '229) wherein a user can store a message for a called party when making a call using a prepaid account. Further, Hanson teaches that a called party can return a call at the expense of the prepaid account of the calling party after listening to a stored message.

Regarding claims 2-4, and 10-11, Hanson teaches a prepaid account wherein usage is recorded and thus billed accordingly.

Regarding claims 5-8, 12-13, and 15-16, Hanson teaches a voice storage system coupled to account processing system thus making it possible to store a message in conjunction with a prepaid account and also, expect a reply or call back at the expense of the prepaid account.

Regarding claim 14, see the explanation as set forth in the rejection of claims 1 and 9. Furthermore, a prepaid account as known in the art could include a prepaid telephone card and so forth which enables a user to make a call by providing identifier associate with the account.

Regarding claim 17, see the explanation as set forth in the rejection of claims 1, 9 and 14. Hanson teaches that a called party can retrieve a voicemail stored in conjunction with a prepaid account and thus be able to make a call to the original calling party at his/her expense given (original calling party) that the call was authorized by the calling party. Note that the billing system stores a prepaid account# and records (duration and so forth) in conjunction with a reply message (reply message data) which could be an e-mail and so forth.

Regarding claims 18-20, Hanson teaches the claimed subject matter (see entire disclosure).

Regarding claims 21-24, Hanson teaches playing out a stored message when a voice mail is accessed or informing a called party of a stored message when he/she tries making a call and also, an interactive voice system comprising of a voice mail system coupled to a system message database.

Regarding claims 25-27, see the explanation as set forth in the rejection of claims 1-26.

3. Claims 1, 9 and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Longo et al. (US Patent 5,912,956).

Regarding claims 1, 9, and 14, Longo teaches a prepaid calling card system (see fig. 9) wherein a subscriber can record a message to be heard by a calling party in conjunction with a prepaid calling card by implementation of a data storage system (billing system {28}) and a voice synthesizer {26} of fig. 1).

4. Claims 17-22 and 25-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Taskett (US Patent 5,923,734).

Regarding claims 17 and 25, Taskett teaches a prepaid calling wherein a database can store information about usage of the calling card and a pre-recorded message in conjunction with the calling card via a database (310) which comprises of an account database and voice indicia database; and an interactive processor (308) which can receive a request to make a call and play an audio message in relation to a prepaid calling card.

Regarding claims 18-22 and 26-27, Taskett teaches playing back a stored message to a calling party using a prepaid calling card based on the indicia associated with the card and stored as such. According to Taskett,(see column 5 and 7-8), usage associated with the prepaid account is monitored.

Conclusion

5. Any inquiry concerning this communication or earlier communication from the examiner should be directed to REXFORD BARNIE whose telephone number is (703) 306-2744. The examiner can normally be reached on Monday through Friday from 8:30 to 6:00p:m

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz, can be reached on (703) 305-4708. The **informal fax number** (Draft or Proposed Amendment) for this Group is (703) 305-9508 wherein the **formal fax number** for the group is (703) 308-9051 or 308-9052. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (703) 305-3900. **R.B. 09/23/99**

CURTIS A. KUNTZ
SUPERVISORY PATENT EXAMINER
GROUP 2700